

ESTTA Tracking number: **ESTTA654720**

Filing date: **02/09/2015**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91209617
Party	Plaintiff Xikar, Inc.
Correspondence Address	GINNIE C DERUSSEAU ERICKSON KERNELL ET AL 8900 STATE LINE RD STE 500 LEAWOOD, KS 66206 UNITED STATES ekdkdocket@kcpatentlaw.com, ginnied@kcpatentlaw.com, mjiles@kcpatentlaw.com
Submission	Answer to Counterclaim
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Date	02/09/2015
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application Serial No. 85/652,496
filed June 14, 2012 for CICAR

Xikar, Inc.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91209617
)	
Debra Wiseberg)	
d/b/a Bram Warren Company,)	
)	
Applicant.)	
_____)	

**OPPOSER’S ANSWER TO APPLICANT’S
COUNTERCLAIM AND AFFIRMATIVE DEFENSES**

Pursuant to the Board’s January 20, 2015 Order, Opposer hereby answers paragraphs 1, 5 and 26 (to the extent that it alleges that Opposer’s mark is generic) of Applicant’s amended counterclaim.

1. Denied.
5. Denied.
26. Denied.

Affirmative Defenses

1. The counterclaim fails to state a claim upon which relief can be granted.
2. Registrant’s mark XIKAR is arbitrary, not generic.
3. XIKAR does not mean cigar or cigar cutter.
4. Registrant will assert and rely on any and all other defenses that will be developed through discovery and/or the testimony periods in this proceeding.

WHEREFOR, having fully answered the counterclaim for cancellation herein,
Registrant respectfully requests that the cancellation be in all respects dismissed with prejudice.

Respectfully submitted,

Dated: February 9, 2015

By /Ginnie C. Derusseau/

Ginnie C. Derusseau, Reg. #35,855

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Attorneys for Opposer

XIKAR, INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing OPPOSER'S ANSWER TO APPLICANT'S COUNTERCLAIM AND AFFIRMATIVE DEFENSES has been served upon Debra Wiseberg d/b/a Bram Warren Company, 18100 S.W. 50 Street, Southwest Ranches, Florida 33331 by deposit in the United States Mail with first class postage thereon fully prepaid, this 9th day of February 2015.

/Ginnie C. Derusseau/

Ginnie C. Derusseau